IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6260 of 2007()

CMP.4051/2007 of J.M.F.C.,ALATHUR

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CRIME NO. 217/2007 OF NENMARA POLICE STATION

PETITIONERS : APPLICANTS/ACCUSED NOS. 2 & 3

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1. SYAMRAJ @ SYAM, AGED 24 YEARS,
   S/O. DHARMMAN, MUTHUKKAD ESTATE
   CHINNAKKANAL, MOONNAR, IDUKKI DISTRICT.

2. KANNAN, AGED 25 YEARS,
   S/O.DEVIYAPPAN,
   PERIYAKANAL ESTATE,
   CHINNAKKANAL, MOONNAR, IDUKKI DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6260 of 2007

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Dated this the 16th day of October, 2007

ORDER

Application for regular bail. Petitioners are accused 2 and 3. They face allegations for offences punishable under Sections 399 and 402 IPC. They along with three others were allegedly found engaged in the activity of preparing to commit dacoity. It is the case of the prosecution that they were preparing to commit dacoity in a co-operative bank. They had in their possession implements for house breaking such as oxygen gas cylinders, hacksaw blade, cutting player, gas cutters etc. when they allegedly embarked on the mission. The petitioners were arrested on 16.9.07. Some of the co-accused took to their heels and they could not be arrested at all. Investigation is in progress. The petitioners allegedly have no criminal antecedents.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Even if all the allegations were accepted, the defence of the petitioners that they were only driver and cleaner who carried the other accused in the vehicle is not contraindicated in the case. In these circumstances, the petitioners, who have remanded in 16.9.07, may now be enlarged on bail, prays the learned counsel for the petitioners.

3. The learned Public Prosecutor opposes the application. Allegations raised are serious. All available indications point to the complicity of the petitioners. It is idle to assume that the petitioners are not the parties of the mission and were not privy to the offence which was about to be commited. In these circumstances, the petitioners may not be granted regular bail. In a serious crime like this, Investigators may be given further time to complete the investigation, prays the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am not persuaded to grant regular bail to the petitioners at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 30.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE